

REMARKS

The Office Action mailed June 5, 2009, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. No new matter has been introduced. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

Claims 1 – 8 are pending. By this Amendment, Applicants have amended Claim 1 in order to clarify and to further point out, with particularity the subject matter that Applicants regard as the invention. Consequently, the claims under consideration are believed to include Claims 1 – 8.

Claim Rejections under §103

Claims 1 – 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkhof, et al., (US 5164116 A) in view of Knischka, et al., ("Functional Poly(ethylene oxide) Multiarm Star Polymers: Core-First Synthesis Using Hyperbranched Polyglycerol Initiators", *Macromolecules*, 2000, 33 (2), pp 315 – 320, December 29, 1999). This rejection is respectfully overcome.

The Office states, "The rejections stand as per the reasons set forth in the previous Office Action, incorporated herein by reference."

With respect to Claims 1 – 8, the Office is of the position that the prior art teaches an oil breaking crosslinked alkoxylated polyglycerol according to instant Claims 1 – 8. Yet on the top of page 4 of the previous Office Action, the Office admits:

"Berkhof, et al., is silent on the molecular weight, number of glycerol units in polyglycerol and crosslinking after alkoxylation of polyglycerol"

The Office then invokes Knischka, et al., for the teaching of a controlled synthesis of hyperbranched polyglycerol. In order to make a *prima facie* case of obviousness, it is beyond contention that each and every aspect of a claimed invention must be taught by the prior art. Here, the Office fails to establish a *prima facie* case for this exact reason.

Applicants are of the courteous opinion that Berkhof, et al., discloses C₁-C₄ polyols, e.g. glycerol. In stark contrast newly amended instant claim 1, requires a polyglycerol being the product of an acid- or alkali-catalyzed condensation of glycerol at temperatures between 200 °C and 300 °C (emphasis added). Knischka, et al., discloses the addition of glycidol to a starting molecule. Glycidol is a compound undergoing decomposition at 166°C. Glycidol is not distillable without decomposition. Please see Physical Properties Section for Glycidol from the attached "International Programme on Chemical Safety Sheet", page 2.

The difference in production processes between Knischka, et al., and the instant invention results in different products. Please see the results of a comparative molecular weight measurement in the concomitantly filed Declaration Under 37 CFR 1.132. Applicants compared the molecular weight distribution of a compound according to the instant invention (Clariant Polygly. (n = 24.4 MB 03/29) and a compound according to Knischka, et al., (EB 25, having 25 glycerol units).

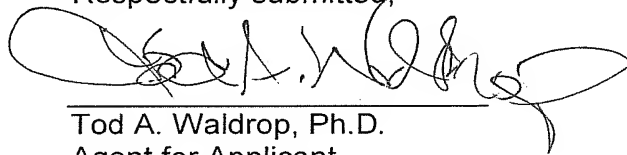
It is rather evident that the molecular weight distribution differs to a great extent when comparing the glycerol condensate of the instant invention and the glycidol adduct of Knischka, et al. The latter shows a rather narrow M_w distribution. Glycerol polycondensates have a rather broad M_w distribution. There is a difference in the polyglycerol of the instant invention when compared to Knischka, et al., and this difference is maintained when the polyglycerols are alkoxylated. Therefore, the polyglycerol of Knischka, et al., does not meet the limitation as now defined in newly amended claim 1.

For at least the reasons stated above, Applicant is of the courteous position that the §103 rejections of Claims 1 – 8 have been overcome. Reconsideration and withdrawal of the §103 rejections are respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tod A. Waldrop', written over a horizontal line.

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